

What plaintiff fails to appreciate is that "a showing" of a basis for the exercise of jurisdiction must be founded on pleaded facts and ascertainable factual matters. Bald assertions reflecting nothing more than legal conclusions that are devoid of factual content do not provide grounds to support a claim and/or the exercise of federal subject matter jurisdiction.

Plaintiff has failed to establish a factual basis to support a finding that any of the remaining defendants were acting under color of state law. The record likewise is devoid of factual content indicating that diversity jurisdiction exists. Consequently, the amended complaint fails to state a claim against "UPMC-Presbyterian" and/or "UPMC-Security Police Service" (or any individual associated with these entities) and the record establishes that the court is without subject matter jurisdiction as to all remaining claims plaintiff has attempted to advance. It follows that the action must be dismissed.

In light of the above, and after *de novo* review of the record, the following order is now entered:

AND NOW, this 20th day of October, 2023, IT IS ORDERED that all § 1983 claims in the Amended complaint are dismissed against "UPMC-Presbyterian" and/or "UPMC-Security Police Service" (or any individual associated with these entities) for failure to state a claim upon which relief can be granted and all remaining claims are dismissed without prejudice for lack of jurisdiction. The August 2, 2023, Report and Recommendation of Magistrate Judge Dodge as augmented above is adopted as the Opinion of the Court. Final judgment pursuant to Rule 58 will follow.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Jamaal R. Griffin
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(Via First Class Mail)

The Honorable Patricia L. Dodge
United States Magistrate Judge

(Via CM/ECF Electronic Mail)